

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1 and 3-10 are pending in this application. Claims 1 and 4 are amended, support for which can be found at least in original claim 2, and the PCT application as filed on page 8, lines 5-16 and page 7, lines 5-9, respectively. Claims 2 and 11-14 have been cancelled. No new claims are added. Claim 1 is the sole independent claim.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O. Action, summary at 12.

Claim Objections

Claim 4 has been objected to as not clearly defining at what stage the grinding takes place. Applicants have amended claim 4 accordingly. Therefore, withdrawal of the objection to claim 4 is respectfully requested.

Rejections under 35 U.S.C. § 103

Kanai in view of Zhang and Fischer

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,386,159 to Kanai et al. (hereinafter "Kanai") in view of U.S. Publication No. 2002/0102673 to Zhang et al. (hereinafter "Zhang") and further in view of U.S. Patent No. 4,252,901 to Fischer et al. (hereinafter "Fischer"). Applicants respectfully traverse this rejection for the reasons detailed below.

Claim 2 has been cancelled, and therefore, the rejection of claim 2 is now moot.

The Examiner admits the fact that that neither Kanai, Zhang, Fischer nor the combination thereof teach or suggest a drying step but states in point (ii) of page 4 of

the Office Action that drying is an obvious process step which does not alter the properties of the material and which is hence not inventive.

First, Applicants respectfully submit that Kanai teaches away from drying organic matter to a dry solids content of at least 70% by weight total solids (TS) and subsequently pelletising the same as recited in amended claim 1. Kanai instead describes a material being ground to a “juice like liquid” (col. 2, lines 17-20), which is essential to the proper functioning of the Kanai process. Further, a juice like liquid as in Kanai would not be formed when grinding a pelletised material made from an organic matter dried to 70% by weight total solids as recited in claim 1. In addition, Kanai does not mention drying the material, and does not give any indications to the person skilled in the art that drying the material would be beneficial for the digestion process.

Also, Fischer and Zhang disclose digestion of various materials, including materials from farming and food production. Neither Fischer nor Zhang teaches drying or pelletizing the material. Hence, while Fischer and Zhang indicate that basically any material could be digested, Applicants submit that there is no hint or indication to one skilled in the art that a dried and pelletised material as recited in claim 1 would provide any benefits to the processes of Fischer and Zhang.

Regarding the combination of Kanai, Fischer and Zhang, Applicants submit that a person skilled in the art might be motivated to use some other types of farm waste when preparing the “juice like liquid” as taught by Kanai. However, it is unlikely that a person skilled in the art would consider to utilize, for example, “grains” as taught by Fischer (col. 3, line 17) or “rice straw” as taught in Zhang (see paragraph [0014]), because those materials would make the preparation of a “juice like liquid” very difficult. As such, Applicants submit that combining Kanai with Fischer and/or Zhang would not be obvious, because such a combination is likely to deteriorate the

technical effects of the “juice like liquid” in Kanai. See MPEP 2143.01 “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification”. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Therefore, Applicants respectfully submit that neither Kanai, Zhang, Fischer nor the combination thereof teach or suggest drying organic matter to a dry solids content of at least 70% by weight total solids (TS) and subsequently pelletising the same as recited in amended claim 1.

Claims 3-10, dependent on independent claim 1, are patentable for the reasons stated above with regards to claim 1 as well as for their own merits.

The Applicants, therefore, respectfully request that the rejection to Claims 1-10 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

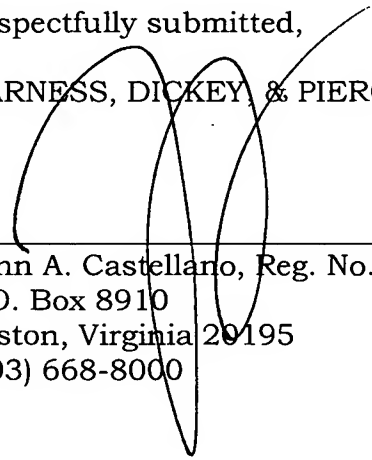
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Erin G. Hoffman, Reg. No. 57,752, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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